IN THE HIGH COURT OF JUDICATURE AT BOMBAY
Appellate Side

Writ Petition No.2536 of 2005

S A Rahman ..Petitioner

vs

Ashok Chandrakant Satpure & ors..Respondents

Mr P.K.Hushing for petitioner

CORAM: A.P.SHAH J.

Dated l7.l0.2005

P.C:

. The challenge is to the judgment and order passed by the Addl District Judge, Pune in Civil Appeal No.459 of l998 dismissing the appeal preferred by the petitioner. The petitioner has filed the said appeal against the judgement and decree passed by the trial court directing the petitioner to pay to the respondent no.l i.e. original plaintiff a sum of Rs.l000 by way of damages. The petitioner is the original defendant no.l and is a practicing advocate. The defendant no.2 - respondent no. 2 herein is the landlord of the suit premises in which the plaintiff resided with his family. The defendant no. 2 had instituted Civil Suit No.659 of l982 in the Court of Small Causes at Pune against the plaintiff's family which was dismissed with costs on 25.4.l988. The petitioner was representing the defendant no.

2 as his advocate in the said proceedings. It is alleged by the plaintiff that the petitioner was taking more than professional interest throughout the proceedings. When the brother of the plaintiff Shri J C Satpute who is also an advocate, was in the witness box and was under cross examination, the petitioner started displaying an abnormally high degree of hostility coupled with aggression in cross examination. He put series of questions to the plaintiff's brother alleging that the plaintiff was half mad, that he was a lunatic and that he was mentally retarded. These allegations were repeated even when objected to and they were made with full knowledge that the plaintiff is highly educated person and is serving as a lecturer in a reputed institute. It is alleged that the petitioner persisted in making such false allegations in a tone of ridicule and derision even when Shri J.C.Satpute implored him not to do the same.

. On a detailed analysis of the evidence led by the parties the courts below came to the conclusion that during the cross examination the petitioner had made reckless allegations against the plaintiff and as a result said allegations plaintiff's reputation had suffered. It was observed that the petitioner has changed his version from time to

time. At one stage he maintained that the questions were asked on the instructions of defendant no.2 and at another stage he stated that they were asked on instructions of the son of defendant no. 2 and then finally he claimed that questions were asked on the instructions of both defendant no. 2 and his son. The defendant no. 2 has categorically denied that he had ever instructed defendant no.l to ask such defamatory questions. The courts below have held and in my opinion rightly, that even assuming that defendant no. 2 had instructed the petitioner to ask the same, the petitioner bonafide and in good faith ought not have asked such defamatory questions. It was held that there was total absence of good faith on the part of he petitioner and he had made those derogatory remarks only with a view to cast aspersions on the plaintiff and his family.

. The legal profession is known as noble profession having high traditions and the members of this profession are expected to uphold those traditions and serve the society with sincerity and honesty. If such are the expectations from the noble profession, its members must conduct themselves which may be worthy for emulation. By doing any act which is contrary to the accepted

norms and standards of this profession, a member of the profession not only discredits himself but also brings disrepute to the profession to which he belongs. An advocate is not entitled to indulge in unbecoming conduct by passing derogatory and defamatory remarks while conducting a case. In my opinion the petition is devoid of any substance and same is hereby dismissed.